

Document No. 98
Adopted at Meeting of March 7, 1960

(Deed to Parcel J-1, Retina Founda.)

KNOW ALL MEN BY THESE PRESENTS

That BOSTON REDEVELOPMENT AUTHORITY, a public body politic and corporate, created pursuant to the General Laws of the Commonwealth of Massachusetts, Chapter 121, with an usual and principal place of business in Boston, County of Suffolk, Commonwealth of Massachusetts, in consideration of the payment of Forty-eight Thousand Two Hundred Thirteen and 90/100 Dollars (\$48,213.90) GRANTS to THE RETINA FOUNDATION, a Massachusetts charitable corporation, with an usual and principal place of business in said Boston, with quitclaim covenants, the following-described land:

Two certain parcels of land situate in Boston, Suffolk County, Commonwealth of Massachusetts, shown as Parcels J and J-1 on a plan entitled Plan of Land in Boston, Parcels J and J-1, West End Land Assembly and Redevelopment Plan, by William J. Hulbig, Registered Land Surveyor, dated January 19, 1960, to be recorded herewith, bounded and described as follows:

PARCEL J:

SOUTHERLY by land of Boston Redevelopment Authority, one hundred twenty-two and 49/100 feet;
EASTERLY by land of said Authority and the City of Boston, thirty feet;
SOUTHERLY by land of said Authority, one hundred seven and 6/100 feet;
WESTERLY by land of said Authority, one hundred seventy-four and 41/100 feet;
NORTHWESTERLY by two curved lines measuring respectively twenty-seven and 959/1000 feet and twenty-four and 619/1000 feet;
NORTHEASTERLY one hundred seventy-seven and 396/1000 feet;
NORTHEASTERLY again by a curved line twenty-five and 169/1000 feet; and ninety-five and 60/100ths
EASTERLY ~~one hundred ten and 16/100 feet~~ by said Parcel J-1.

Containing 35,714 square feet of land.

Portions of said premises are registered land described in the following Certificates of Title issued by the Suffolk Registry District of the Land Court: a part of the land described in Certificates of Title No. 65157 and No. 65990 and shown as Parcel 1 on Land Court Plan No. 4338C; Certificate of Title No. 65988 and a part of the land described in Certificate of Title No. 65992 and shown as Parcel 2 on Land Court Plan No. 3037C; and Certificate of Title No. 65991.

PARCEL J-1:

SOUTHERLY by Staniford Street and land of the Boston Redevelopment Authority, sixty-four and 34/100 feet;

WESTERLY ninety-five and 60/100 feet;

SOUTHWESTERLY by a curved line, twenty-five and 169/1000 feet;

SOUTHWESTERLY again one hundred seventy-seven and 396/1000 feet; and

SOUTHEASTERLY by two curved lines measuring respectively twenty-four and 619/1000 feet and twenty-seven and 955/1000 feet by Parcel J;

WESTERLY by land of said Authority by two lines measuring respectively forty feet and twenty feet;

NORTHEASTERLY by land of said Authority, two hundred sixty-three and 8/100 feet;

NORTHERLY by land of said Authority and Staniford Street, forty-four and 58/100 feet; and

EASTERLY by a line in the middle of Staniford Street, one hundred twenty-four and 72/100 feet.

Containing 13,928 square feet of land.

A portion of said premises is registered land a part of which is described in Certificates of Title No. 65157 and No. 65990 issued by the Suffolk Registry District of the Land Court and shown as Parcel 3 on Land Court Plan 4338C.

The Boston Redevelopment Authority reserves the right for a period of four (4) years from the date hereof to grant to the City of Boston, a municipal corporation in the Commonwealth of Massachusetts, an easement for public street purposes in the land described herein as Parcel J-1, provided, however, that such grant shall be made only upon the condition that no betterment assessment be levied against the land of The Retina Foundation on account of any work undertaken by the City in the easement area or the streets adjacent thereto.

The granted premises shall be subject to the following restrictions:

The grantee, its successors and assigns and lessees shall not effect or execute any covenant, agreement, lease, conveyance or other instrument whereby the property herein conveyed or any part thereof is restricted upon the basis of race, creed, color in the sale, lease or occupancy thereof. This covenant shall run with the land for a period of one hundred (100) years from July 22, 1957.

The grantee, its successors and assigns and lessees, shall devote the granted premises to uses specified in Section 26LL of Chapter 121 of the Massachusetts General Laws and in the West End Redevelopment Plan, dated May, 1956, revised March 1957 and May 1957, as modified, which is recorded herewith with the Suffolk Registry of Deeds and filed herewith in the Suffolk Registry District of the Land Court, in accordance with the contract specifications and standard of development outlined therein. This covenant shall run with the land for a period of fifty (50) years from July 22, 1957 and shall be automatically extended for successive ten (10) year periods unless terminated by a vote of a majority of the owners of land within the West End Project Area as defined in said West End Redevelopment Plan, with the approval of the Boston City Council.

This conveyance is made subject also to the additional terms and conditions set forth in a Sales Contract dated May 21, 1958, as amended, between the grantor and the grantee, and in said West End Redevelopment Plan, which provide among other things for commencement and completion of the improvements on the granted premises required by the West End Redevelopment Plan, against certain transfers and incumbrances prior to the completion, for remedies including a right to reconveyance in case of defaults, all of which survive the delivery of this deed and are binding upon all persons dealing with the granted premises to the extent provided therein and as though said Sales Contract were recorded and filed herewith and in the event the grantor exercises its right to reconveyance as provided therein, it may record with said Registry and file with said Registry District of the Land Court said Sales Contract at the time it requests reconveyance.

All said additional terms and conditions contained in said Sales Contract and West End Redevelopment Plan terminate as to the premises hereby conveyed upon completion of said improvements and the recording of a certificate of such completion executed by the Boston Redevelopment Authority, its successors and assigns. The recording of such a certificate shall be a conclusive determination that all obligations of the grantees, their successors and assigns, as to the granted premises under said Sales Contract and West End Redevelopment Plan have been satisfied except only the covenants set forth in this deed and stated to run with the land.

All of the above restrictions shall run in favor of the Boston Redevelopment Authority, for the entire period during which such restrictions shall remain in force and effect, without regard to whether the Boston Redevelopment Authority has at any time been, remains, or is an owner of any land or interest in the West End Project Area as defined in said West End Redevelopment Plan to, or in favor of, which such restrictions relate.

WITNESS the execution hereof under seal this 8th day of
March , 1960, executed in duplicate.

BOSTON REDEVELOPMENT
AUTHORITY

By: S/ Joseph W. Lund
Title: Chairman

THE RETINA FOUNDATION

By: S/ Howard S. Warren
Title: Vice President
By: S/Denholm M. Jacobs
Vice Chairman, Development

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

March 10, 1960 1960

Then personally appeared the above-named Joseph W. Lund, Chairman
and acknowledged the foregoing instrument to be the free act and deed of the
Boston Redevelopment Authority, before me

S/John C. Conley
Notary Public

My commission expires: 12/23/65

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

March 8, 1960

Then personally appeared the above-named Howard S. Warren, Vice Pres.
and Denholm M. Jacobs, Vice/Chairman, Development and acknowledged the foregoing instrument to be
the free act and deed of the Retina Foundation, before me

Mary D. Carey
Notary Public

My commission expires: October 17, 1964

CERTIFICATE OF VOTE

The undersigned hereby certifies as follows:

(1) That he is the duly qualified and acting Secretary of the Boston Redevelopment Authority, hereinafter called the Authority, and the keeper of the records, including the journal of proceedings of the Authority.

(2) That the following vote is a true and correct copy of a vote as finally adopted at an adjourned special meeting of the Authority on the seventh day of March, 1960, and duly recorded in this office.

VOTED: that the deed as presented to the meeting in the form approved by the Regional Administrator be and hereby is approved.

VOTED: that the Chairman, Joseph W. Lund, be and he hereby is authorized to execute and deliver to the Retina Foundation in the form presented to this meeting, and that the purchase price for the premises being conveyed is \$48,213.90.

(3) That said meeting was duly convened and held in all respects in accordance with the law and to the extent required by law due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting, and a legally sufficient number of members of the Authority voted in the proper manner and all other requirements and proceedings under law incident to the proper adoption or the passage of said votes have been duly fulfilled, carried out and otherwise observed.

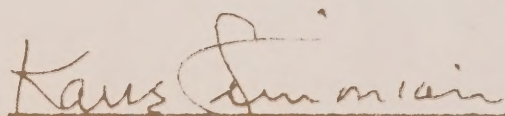
(4) That the form of deed presented to the said meeting was in substantially the same form as the deed to which the within certificate is attached.

(5) That if an impression of the seal has been affixed below, it constitutes the official seal of the Boston Redevelopment Authority and this certificate is hereby executed under such official seal.

(6) That Joseph W. Lund is the Chairman of said Authority.

(7) That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has hereunto set his hand this ninth day of March, 1960.



Kane Simonian
Secretary

CERTIFICATE OF VOTE

I, Lillian M. Clancy, hereby certify that I am the duly elected Clerk of the Retina Foundation and that, at a duly called and held meeting of the Board of Trustees of said Retina Foundation on May 20, 1958, at which a quorum was present and acting throughout, it was unanimously

VOTED: That the President, Vice President, Treasurer, Assistant Treasurer, Director, Associate Director and Mr. Donholm M. Jacobs, or any one or more of them, be and they hereby are authorized on behalf of the Retina Foundation to take such action as they deem advisable in connection with the acquisition of land and the construction of a new building for the Foundation, including the hiring of architects, counsel and other agents and the execution of such agreements or other documents as are deemed necessary, provided that any written instruments executed in connection with this vote shall be signed by two of the foregoing persons.

A true copy.

I further certify that Howland S. Warren is Vice President of the Retina Foundation.

Attest:

Lillian M. Clancy
Clerk

March 8, 1960

CERTIFICATE OF THE SECRETARY

I, Kane Simonian, Executive Director and Secretary of the Boston Redevelopment Authority, certify that the attached Deed between the Boston Redevelopment Authority to The Retina Foundation, is a true and correct copy of a Deed entered into on the eighth day of March, 1960 from the Boston Redevelopment Authority to The Retina Foundation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Boston Redevelopment Authority, this ninth day of March, 1960.

BOSTON REDEVELOPMENT AUTHORITY

Kane Simonian
Kane Simonian, Secretary

WITNESS:

John F. Harner

(LS)

CERTIFICATE AND OPINION OF COUNSEL

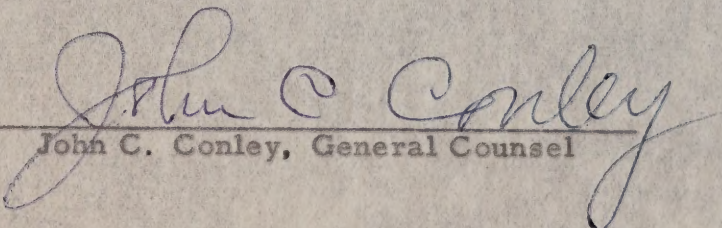
I, John C. Conley, General Counsel for the Boston Redevelopment Authority, certify that I have examined the original of a Deed from Boston Redevelopment Authority to Retina Foundation, dated March 8, 1960.

It is my opinion that said Deed:

- 1) has been duly executed by the parties thereto and duly delivered;
- 2) is valid and binding in all respects in accordance with its terms;
- 3) is legally enforceable.

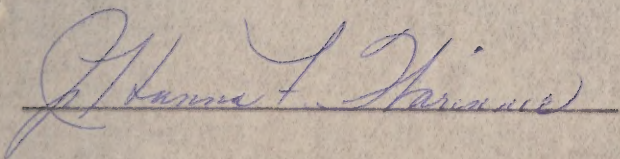
IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of March, 1960.

BOSTON REDEVELOPMENT AUTHORITY



John C. Conley, General Counsel

WITNESS:



William F. Harrison